Further misbranding, Section 502 (d), the repackaged capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use.

DISPOSITION: March 30, 1953. Pleas of nolo contendere having been entered by the defendants, the court fined each defendant $200.

**3947. Misbranding of Seconal Sodium capsules and amphetamine sulfate tablets. U. S. v. John L. Tarlow (Tarlow Drug). Plea of guilty. Fine, $500. (F. D. C. No. 33800. Sample Nos. 6580–L, 6581–L, 6583–L.)**

INFORMATION FILED: February 5, 1953, District of Massachusetts, against John L. Tarlow, trading as Tarlow Drug, at Boston, Mass.

ALLEGED VIOLATION: On or about March 25 and 26, 1952, while a number of *Seconal Sodium capsules* and *amphetamine sulfate tablets* were being held for sale, after shipment in interstate commerce, the defendant caused quantities of the drugs to be dispensed without a physician's prescription, which acts resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the dispensed drugs failed to bear adequate directions for use; and, Sections 502 (b) (1) and (2), the *amphetamine sulfate tablets* and a portion of the *Seconal Sodium capsules* were in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the capsules failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the *amphetamine sulfate tablets* failed to bear a label containing the common or usual name of the drug; and, Section 502 (f) (2), the labeling of the *amphetamine sulfate tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: February 25, 1953. A plea of guilty having been entered, the court fined the defendant $500.

**3948. Misbranding of amphetamine sulfate tablets. U. S. v. Hy-Gold Drug Co., Inc., and Boris Golden. Pleas of nolo contendere. Fine of $200 against corporation and $100 against individual.** (F. D. C. No. 33845. Sample Nos. 33542–L, 33546–L, 33554–L, 33567–L.)

INFORMATION FILED: December 16, 1952, Northern District of Illinois, against Hy-Gold Drug Co., Inc., Chicago, Ill., and Boris Golden, manager and secretary-treasurer of the corporation.

ALLEGED VIOLATION: On or about October 9, 15, 19, and 30, 1951, while a number of *amphetamine sulfate tablets* were being held for sale at the Hy-Gold Drug

Co., Inc., after shipment in interstate commerce, the defendants caused various quantities of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (1), the label of the repackaged tablets failed to bear the common or usual name of the tablets; and, Sections 502 (f) (1) and (2), the labeling of the repackaged tablets failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: March 17, 1953. Pleas of nolo contendere having been entered on behalf of the defendants, the court fined the corporation $200 and the individual $100.

**3949. Misbranding of pentobarbital sodium capsules and amphetamine sulfate tablets. U. S. v. Fred W. Beley (Beley's Pharmacy). Plea of guilty. Fine, $250.** (F. D. C. No. 33831. Sample Nos. 29314–L to 29316–L, incl., 30649–L, 30650–L.)

INFORMATION FILED: December 18, 1952, District of Montana, against Fred W. Beley, trading as Beley's Pharmacy, Billings, Mont.

ALLEGED VIOLATION: On or about March 13, 14, 17, and 18, 1952, while a number of *pentobarbital sodium capsules* and *amphetamine sulfate tablets* were being held for sale at Beley's Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *amphetamine sulfate tablets* failed to bear a label containing the common or usual name of the drug; and, Section 502 (b) (1), a portion of the repackaged *pentobarbital sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: December 29, 1952. The defendant having entered a plea of guilty, the court fined him $250.